

REMARKS

Favorable reconsideration of this application is requested.

Claims 1-3 and 5-10 are in the case.

The claims stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kaiya et al., newly cited.

The Examiner considers Applicants' arguments with regard to the previously made rejection as being moot in view of the citation of Kaiya et al. now applied. The Examiner also recognizes that the effective date of this newly cited patent, i.e., its filing date of May 3, 2001, is subsequent to the priority date of this application, i.e., December 18, 2000. However, the Examiner states that Applicants cannot rely upon their foreign priority date to overcome the newly made rejection since a translation of such papers has not been made of record in accordance with 37 C.F.R. § 1.55.

Consequently, a certified translation of the priority papers is submitted herewith, such manifestly obviating the indicated rejection. Full support is present in the priority papers for the claimed invention, thus antedating the newly cited Kaiya et al. reference.

Withdrawal of the rejection of the claims under 35 U.S.C. § 102 thus is requested.

With regard to the objection to Claim 5, it has been amended to obviate this rejection by making the claim depend on Claim 1.

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It is submitted that this application is now in condition for allowance and which is solicited.

Respectfully submitted,

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